

1 PHILLIP A. TALBERT
Acting United States Attorney
2 LAURA D. WITHERS
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5
6 Attorneys for Plaintiff
United States of America

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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
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13 Plaintiff,
14 v.
15 ALDO DAVID ALCARAZ,
16 Defendant.

CASE NO. 1:21-CR-00205-DAD-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME UNDER
SPEEDY TRIAL ACT; FINDINGS AND ORDER

DATE: October 13, 2021
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on October 13, 2021.
- 21 2. By this stipulation, defendant now moves to continue the status conference until January
22 26, 2022, and to exclude time between October 13, 2021, and January 26, 2022, under Local Code T4.
- 23 3. The parties agree and stipulate, and request that the Court find the following:
- 24 a) The government has represented that the discovery associated with this case
25 includes state and local law enforcement reports, body camera footage, the extraction of the
26 defendant's phone, audio and video recordings of interviews with both the defendant and
27 identified victims, etc. Most of this discovery has been either produced directly to counsel
28 and/or made available for inspection and copying. The outstanding items are reports about and

1 recordings of interviews with two recently identified victims.

2 b) Counsel for defendant desires additional time to consult with his client and to
3 review the contraband evidence that remains in the custody of law enforcement, which is made
4 more difficult because defense counsel is in San Diego and the defendant is in custody in
5 Bakersfield, where the contraband material is also kept. Defense counsel also desires additional
6 time to review the charges, conduct investigation and research, to review the discovery, and to
7 discuss potential resolution with his client and counsel for the government.

8 c) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of October 13, 2021 to January 26,
17 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 28, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ LAURA D. WITHERS
LAURA D. WITHERS
Assistant United States Attorney

Dated: September 28, 2021

/s/ THOMAS P. MATTHEWS
THOMAS P. MATTHEWS
Counsel for Defendant
ALDO DAVID ALCARAZ

ORDER

IT IS SO ORDERED that the status conference is continued from October 13, 2021, to **January 26, 2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: October 6, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE